

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MASSACHUSETTS

RECEIVED -3 P. 1-42

CIVIL ACTION NO. 04-11578 PBS

FIREMAN'S FUND INSURANCE COMPANY
As Subrogee of Hodan Properties, Inc.,

Plaintiff

v.

FIRE SYSTEMS, INC., FIRE SUPPRESSION
SYSTEMS OF NEW ENGLAND, INC., PRO
CON, INC., and PAQUETTE ELECTRIC
COMPANY, INC.

Defendants

**DEFENDANT PAQUETTE ELECTRIC COMPANY, INC.'S
ANSWER TO PRO CON, INC.'S CROSS-CLAIM**

1. Defendant-in-cross-claim Paquette Electric Co., Inc. (hereinafter "Paquette") is without sufficient information to admit or deny the allegations of ¶¶1-2 of the cross-claim.
2. In response to ¶ 3, Paquette admits that it is a corporation, but denies the remaining allegations.
3. Paquette admits the allegations of ¶¶4-6.
4. Paragraphs 7-12 pertain to another party and require no response from this defendant.
5. In response to ¶13, Paquette says that the contract speaks for itself.
6. Paquette admits the allegations of ¶14.
7. Paquette is without sufficient information to admit or deny the allegations of ¶15.
8. Paquette denies the allegations of ¶16.

9. In response to ¶17, Paquette repeats and incorporates by reference the foregoing responses.

10. Paquette denies the allegations of ¶18.

First Defense

Paquette says that the obligation(s) which Pro Con seeks to impose upon Paquette violate M.G.L. c. 149 §29C.

Second Defense

Paquette says that the cross-claim fails for lack or failure of consideration.

Third Defense

Paquette says that the cross-claim fails to state a cause of action upon which relief can be granted.

Fourth Defense

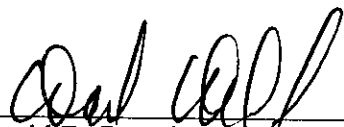
Paquette says that Pro Con is estopped from recovery on its cross-claim against Paquette.

Fifth Defense

Paquette says that plaintiff's damage was caused by a person or persons for whom Paquette is not responsible.

By its Attorneys,

Date: Dec. 2, 2004



David D. Dowd, BBO No. 132660
Curley & Curley, PC
27 School Street
Boston, MA 02108
(617) 523-2990/(617) 523-7602 fax

Certificate of Service

I, David D. Dowd, hereby certify that a true copy of the foregoing pleading was served by first class mail, postage prepaid, directed to:

Erik Loftus, Esquire
Law Offices of Stuart G. Blackburn
Two Concorde Way
P.O. Box 608
Windsor Locks, CT 06096
(Counsel for Fireman's Fund Insurance
Company a/s/o Hodan Properties, Inc.)

Gordon L. Sykes, Esquire
Morrison, Mahoney & Miller
10 North Main Street
Fall River, MA 02722
(Counsel for Fire Systems, Inc.)

Jocelyn M. Sedney, Esquire
Brody Hardoon Perkins & Kesten
One Exeter Plaza
Boston, MA 02116
(Counsel for Fire Suppression Systems of
New England, Inc.)

Jon S. Hartmere, Esquire
Law Offices of Jacqueline L. Allen
262 Washington Street, Suite 601
Boston, MA 02108

Date: _____

Dec. 2, 2004

David D. Dowd